

REMARKS

Claims 1-36 are currently pending, of which claims 1-13, 19-36 have been withdrawn from consideration. Claims 15-18 are presently amended to recite in the preamble a “two way locking mechanism” instead of “container” as suggested by the Examiner on page 6 of the Office Action. Support for these amendments can be found throughout the present application and in particular in the originally filed specification and drawings (see, for example paragraphs 0024-0026). Thus, no new matter is introduced by these amendments. Applicant respectfully requests reconsideration of the claims in view of the amendments to the claims above, and the following remarks.

Drawing Objections

The Examiner objected to the drawings under 37 C.F.R. 1.83(a) for failing to illustrate every feature of the invention. In particular, the Examiner states that the feet of claim 17 must be shown in the drawings.

Applicant directs the Examiner’s attention to reference numerals (53a, 53b) in Figure 1 which illustrate the feet of claim 17 which are formed on the buttons (52a, 52b), respectively as discussed in paragraph 0027 of this application. Additionally, Figures 5A-5C further illustrate the configuration of feet (53a, 53b) to facilitate the closure of the container. Accordingly, every feature of the invention recited in the claims is indeed illustrated by the drawings, and therefore it is respectfully submitted that the originally filed drawings comply with 37 C.F.R. 1.83(a).

Claim Rejections

In the Non-Final Office Action dated April 7, 2006, the Examiner rejected claims 14-16 as being anticipated by Warburton (US Patent No. 3,735,917). Anticipation requires that each and every feature be disclosed in a single prior art reference. As originally filed, independent claim 14 recites a two way locking mechanism including, *inter alia*, a flap having a plurality of buttons which extend in a first direction, and lid having an outer closure mechanism which extends in a second direction opposite the buttons.

In contrast, as explicitly stated in column 4, lines 22-35 of Warburton, the buttons as identified by the Examiner are constituted by a rectangular recessed surface 20 (emphasis added). Likewise, column 4, lines 1-9 explicitly state that the outer closure mechanism, as

identified by the Examiner on page 5 of the Office Action, extends inwardly to form a recessed surface (emphasis added). Consequently, the features of Warburton relied upon by the Examiner disclose the buttons and the outer closure mechanism actually extend in the same direction, and not “opposite” directions as claimed. Therefore, Warburton does not anticipate the present invention since Warburton does not disclose or suggest every feature of independent claim 14. In fact, Warburton directly contradicts the configuration of the present invention, wherein the buttons and outer closure mechanism extend in opposite directions.

The Examiner further relies on Hartman (US Patent No. 3,259,294) and Artz (US Patent No. 3,567,107) to reject claims 17 and 18, respectively, under U.S.C. 103(a). However neither of these references disclose nor suggest a flap having a plurality of buttons which extend in a first direction, and lid having an outer closure mechanism which extends in a second direction opposite the buttons, as claimed in independent claim 14.

Accordingly, Applicant respectfully submits that none of the prior art cited, whether considered separately or in combination, disclose all of the features as recited in independent claim 14, as amended. As independent claim 14 is allowable, claims 15-18 are also allowable at least for depending therefrom. Moreover, dependent claims 15-18 are further allowable for reciting additional features not disclosed by the prior art relied upon by the Examiner. For example, claims 15-18 recite additional features of the closure mechanisms not disclosed in the prior art. At least for these reasons, claims 14-18 are allowable.

Formal Request for Interview

Applicant submits that the present application is in condition for allowance at least for the reasons set forth herein. If the present application is not considered to be in condition for allowance by the Examiner, and pursuant to M.P.E.P. § 713.09, Applicant requests an interview with the Examiner to discuss the present application and the prior art of record. Applicant's Attorney Daniel Hulseberg may be reached at telephone number (212) 408-2594 to schedule a mutually convenient date and time and to provide assistance or additional information as required.


CONCLUSION

On the basis of the foregoing Amendments and Remarks, Applicant respectfully submits that the pending claims of the present application are allowable over the prior art of record. Applicant thus respectfully requests that the previous rejections of the pending claims be withdrawn. Favorable consideration and timely allowance of this application are respectfully requested.

Applicant authorizes the Commissioner to charge any additional fees and/or credit any overpayments associated with this paper to Baker Botts L.L.P. Deposit Account No. 02-4377, Ref. No. 077411.0117. Further, if a fee is required for an extension of time under 37 C.F.R. § 1.136 not provided for above, or in the attached Petition, Applicant requests such extension and authorizes the charging of the extension fee to Baker Botts L.L.P. Deposit Account No. 02-4377, Ref. No. 077411.0117.

Respectfully submitted,

9/7/06
Date


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